IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Writ Petition No. 434 of 2007 (M/S)

Sri Shamsad S/O Sri Sarajuddin, R/O Laxmipur, Pargana Parwadoon, Dehradun, District Dehradun.

.....… Petitioner.

Versus

1. Civil Judge, (Senior Division) Dehradun.
2. Joseph D.Kundan S/O Sri O.C.Kundan.
3. Sunita Champais D/O Sri D.Dana, through Attorney Joseph D.Kundan, respondent no.2, respondent nos. 2 and 3 R/O 94, Old Rajpur, Dehradun.
4. Dr. Audjar Dana w/O Sri D.Dana, R/O More Vian Institute, Rajpur, Dehradun.
5. Sro Sa;o, Vacji S/O Sri M.Vachu, through Sr.M. Vachu, Little Indian School Ladpur Rajpur Road, Dehradun.
6. Sri Vikram Singh S/O Sri Hoshiyar Singh R/O Village Dhadh Patti Eleven Gaon, District Tehri Garhwal.

…..Respondents.

Sri Lokendra Dobhal, learned counsel for the petitioner.
Sri Gopal Narain Srivastava, Brief Holder for the State-respondent no.1.

Dated May 15, 2007.

Hon'ble B.S.Verma, J.

The only prayer made by the petitioner is the present writ petition is for mandamus of this Court commanding the Civil Judge (Senior Division) Dehradun, to decide Original Suit No. 57 of 2005, Shamshad Vs. Joseph D. Kundan and others pending in that court expeditiously.

According to the petitioner, he filed a suit against the defendant-respondent nos. 2 to 6 for permanent injunction and specific performance regarding property bearing Khasra No. 25 M. new Khasra No. 364 ka, area 0.19 acre, Khasra No. 364-Kha area 0.19 acre, Khasra No. 364-Gha area 0.32 acre and Khasra No. 364-Ga area 0.19 acre total area 0.89 acre situate at village Laxmanpur, Pargana Pachwadoon District Dehradun, which was registered as Original Suit No. 57 of 2005, Shamshad V. Joseph D. Kundan and others. Along with the suit, application for temporary injunction

(paper no. 6-C2) was also filed, but the trial court has not granted temporary injunction in favour of the petitioner. The respondent-defendants filed their written statement, a copy of which is Annexure No.2 to the writ petition. It is alleged that the defendants are not interested in the speedy decision of the suit and they are taking frequent adjournments to frustrate the very purpose of the suit so as to harass the plaintiff. The petitioner has annexed a copy of entire order-sheet as Annexure No. 3 to the writ petition.

In the circumstances without going into the merits of the case, the Civil Judge (Senior Division) Dehradun is directed to decide the Original Suit No. 57 of 2005, Shamshad Vs. Joseph D. Kundan and other on merit expeditiously as far as possible. Both the parties shall co-operate in the speedy decision of the suit before the trial court.

With the above direction, the writ petition is disposed of finally.

All applications stand disposed of.

(B.S.Verma, J.)

RCP